

Application Serial No. 10/089,504
Amendment dated August 16, 2004
Reply to Office Action dated May 19, 2004

REMARKS/ARGUMENTS

Two new dependent Claims 20 and 21 have been added. These claims set forth the subject matter of independent Claim 7 and are dependent on Claims 19 and 1, respectively.

For the reasons set forth below, it is submitted that none of the claims is either anticipated by Langseth nor rendered obvious by a combination of Hannula, Langseth and Toader. It is requested that the Examiner reconsider and withdraw the rejections of the claims.

Turning first to independent Claim 7, this claim defines a method of charging Internet services via a mobile telephone wherein standard dealer software is coupled both with standard Internet payment systems and Internet-enabled standard mobile telephone terminals. The Examiner contends that Langseth discloses this method and makes reference to the disclosures at columns 7 and 15. In the particular embodiment disclosed in the present application, the payment system is a micropayment account, which can either be prepaid or post-paid, that is maintained as a sub-account of an actual bank account at bank. The payment gateway 5 and the micropayment account are continuously synchronized by matching their respective databases.

The portions of Langseth referred to by the Examiner (column 7, line 27 -column 8, line 52 and column 15, lines 55-65) do not provide a clear disclosure of coupling the elements as called for by Claim 7. The Examiner has the burden of providing a *prima facie* showing that the claim is anticipated by matching the claim limitations with the disclosure of the reference that is intended to be anticipatory.

It is requested that the Examiner reconsider and withdraw the 35 U.S.C. 102(e) rejection of Claim 7 based on Langseth '317.

The remaining claims are rejected as being rendered obvious by a combination of Hannula, Toader and Langseth. The primary reference relied on by the Examiner is Hannula and it is correctly noted that Hannula fails to disclose the following limitations of Claims 1 and 19:

Opening a micropayment account at a bank

Synchronizing the payment gateway and micropayment account by matching the respective databases

Reserving a certain amount in the micropayment account via the payment gateway and authorized by the user to the provider

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The provider debiting amounts against the amount reserved

Transmitting the actual charges from the provider to the payment gateway upon conclusion of the process

Allocating the actual charges to the reserved amount

The payment gateway debiting the amounts to the micropayment account, crediting the provider and canceling the reserved certain amount

It is clear that Hanula discloses a method that is quite different from that called for in Claim 1.

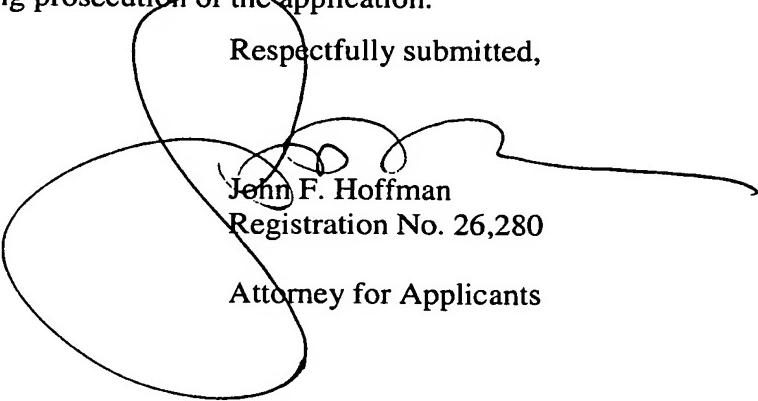
To supply the missing limitations, the Examiner refers to Toader which teaches a method for prepaid Internet access with the use of specialized cards. These cards are purchased for up to a specified amount and the user may log off at any time and be charged for access actually used. However, Toader fails to disclose the steps of opening a micropayment account at a bank, continuously synchronizing the payment gateway and micropayment account by matching respective databases and reserving a certain amount in the micropayment account via the payment gateway and authorized by the user to the provider. Toader further fails to disclose the additional steps of the provider debiting amounts against the amount reserved, transmitting the actual charges from the provider to the payment gateway upon conclusion of the process, allocating the actual charges to the reserved amount and the payment gateway debiting the amounts to the micropayment account, crediting the provider and canceling the reserved certain amount. Whereas Langseth discloses a method for receiving Internet services at a mobile phone from a provider based on information stored in a subscriber database, Langseth fails to disclose the limitations missing from both Toader and Hannula.

Because the three references relied on by the Examiner fail to disclose all of the limitations of Claims 1 and 19 even if combined, the Examiner has not met his burden under 35 U.S.C. 103 to set forth a *prima facie* showing of obviousness. It is therefore requested that the Examiner withdraw the rejection of Claims 1-5 and 8-21 and pass the application to issue.

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The Examiner is invited to telephone the undersigned at 260-260-1692 if such would be of assistance in expediting prosecution of the application.

Respectfully submitted,


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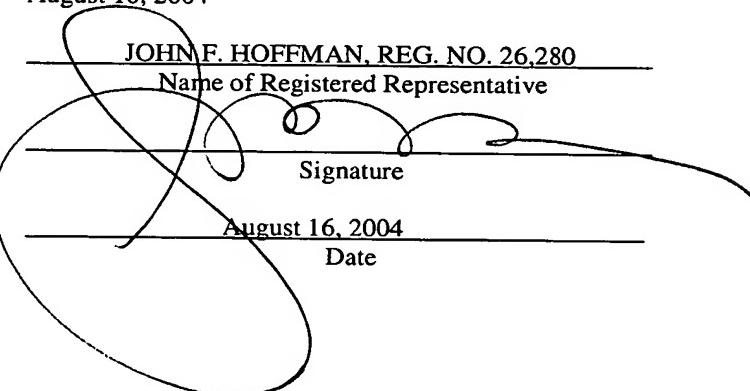
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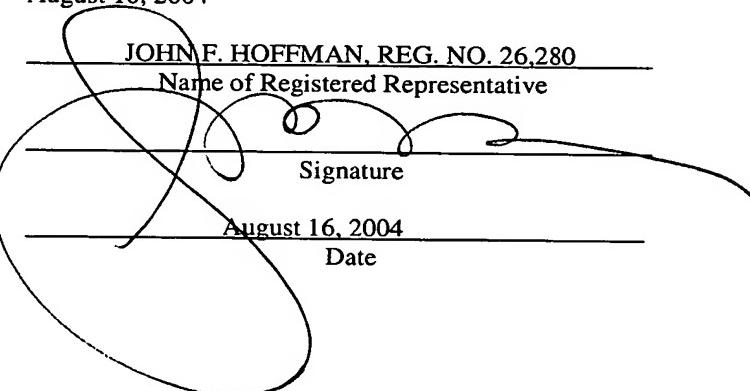
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: August 16, 2004


JOHN F. HOFFMAN, REG. NO. 26,280

Name of Registered Representative

Signature


August 16, 2004

Date